



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,488	10/15/2003	Eduard K. de Jong	SUN-040204	7966
24209 7590 10/15/2007 GUNNISON MCKAY & HODGSON, LLP 1900 GARDEN ROAD SUITE 220 MONTEREY, CA 93940			EXAMINER MORAN, RANDAL D	
			ART UNIT 2135	PAPER NUMBER
			MAIL DATE 10/15/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/687,488

Applicant(s)

DE JONG, EDUARD K.

Examiner

Randal D. Moran

Art Unit

2135

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 9/25/2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN ~~OW~~ MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) ~~set forth in (b)~~ above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL -324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s) a) ☐ will not be entered, or b) ☒ will be entered ~~and an explanation of how the new or amended claims would be rejected is provided below or appended.~~

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: L88.

Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

/RDM/

Continuation of 11. does NOT place the application in condition for allowance because: The Information Disclosure Statement has not been considered because it does not contain one of the following statements:

- (1) That each item contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or
- (2) That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement.

See C.F.R. 1.97.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., implement server functionality on a client device) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Regarding Claim 1, applicants arguments have been fully considered but are not persuasive, with respect to applicants argument that Murphy fails to teach determining, on a user device, digital content to be made accessible via a rights locker. Examiner disagrees and directs the applicant to Murphy- abstract, column 3- lines 35-36. Murphy explicitly discloses the client (i.e. user device) sending a request to access restricted information (i.e. information stored within a rights locker) and stored on a server.

With respect to applicants arguments that Murphy fails to teach determining, on a user device, enrollment authentication data. Applicant is directed to Murphy- column 4- lines 1-7. Murphy explicitly discloses a smartcard which contains user information (i.e. enrollment authentication data) which is used to accomplish authentication to the restricted information via an interrogation of the smart card.

With respect to applicants argument that Murphy fails to teach sending, from a user device, a rights locker enrollment request to a rights locker provider, said rights locker enrollment request comprising a digital content request and said enrollment authentication data. Applicant is directed to Murphy- column 3- lines 35-36 and column 4- lines 1-7. Murphy discloses a smart card which which is maintained by the client that exchanges messages with the network (i.e. server or rights locker provider) that include a request to access restricted information stored by the server (i.e. digital content request) as well as user information that is used to authenticate the client (i.e. enrollment authentication data) to the restricted information.

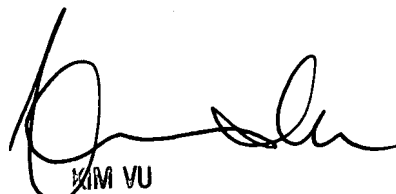
Applicants assertion that the examiner has paraphrased the claim language is incorrect. Examiner points the applicant to the Office Action dated 7/25/2007- page 3- lines 8-12.

"receiving, on said user device, one or more authenticated rights locker access requests in response to said sending (column 5- lines 55-60), said one or more authenticated rights locker access requests for subsequent use in accessing digital content associated with said rights locker (column 7 - lines 26-28, column 6- lines 56-61)"

With respect to applicants argument that Murphy fails to teach a receiving process. Murphy discloses the ability to exchange messages. The ability to receive messages is inherently present in the ability to exchange messages.

Regarding Claim 10, applicants arguments have been fully considered but are not persuasive, with respect to applicants arguments that Murphy fails to teach creating, by said rights locker provider, one or more authenticated rights locker access requests based at least in part on said one or more tokens. Examiner disagrees and directs the applicant to Murphy - column 5- lines 55-60, column 6- lines 56-61, column 7- lines 22-28. Murphy explicitly discloses the smart card stores tokens created by the CA. Murphy further discloses that once a user is authenticated (i.e. enrolled), the user need not be authenticated a second time. This single-sign-on is accomplished through the ability of the smart card to store tickets, certificates, public /private keys and so forth (i.e. authenticated rights locker access requests).

/RDM/



KIM VU
PATENT EXAMINER
TECHNOLOGY CENTER 2100